

Initially, it should be noted that Claims 1-17 have been canceled and new claims 18-23 have been substituted in their place so as to better defined the novel features of the invention and the distinctions thereof over the art of record. In particular, the claims have been limited to the two specific embodiments shown in the drawings - namely, the first embodiment which consists of a beverage container having a hook to allow the same to be mounted e.g., on a car door window and a second embodiment wherein the beverage container holder is in the form of a tray which can be mounted in the dashboard of a vehicle.

In both cases, the claims have been specifically limited to defining either a rectangular basket or tray defining at least one rectangular opening and the provision of resilient fingers coupled to the rectangular basket or tray and extending inwardly towards said rectangular opening with each of the resilient fingers having a V-shaped profile when viewed in a vertical plane with the point of the V extending generally towards the center of the opening. The fingers cooperate to releasably and resiliently grasp both round and square beverage containers. Not only can this beverage holder grasp both circular and square containers, they can also, due to the spring loaded fingers hold containers of different sizes (i.e., small and large). The spring loaded fingers adjust to the size of the container thereby rendering this beverage holder universally adaptable to a wide range of beverage containers in both size and configuration. As will be discussed in greater detail hereinafter, it is respectfully submitted that none of the prior patents disclose or suggest the invention as now claimed.

Turning now to the §103 rejection of the claims, as noted by the Examiner, the cited art does not disclose fingers having a V-shaped configuration which is both structurally and operationally different than the semicircular tabs shown in Boman, et al. This distinction is not merely a matter of design choice. In Boman, the semicircular disks do not move in and out, as does the V-shaped spring finger of the present invention. In Boman, the semicircular disks or tabs 66 which are generally flexible which will flex downwardly and upwardly in contrast to the present invention where the resilient fingers move outwardly and inwardly upon insertion and removal of a beverage container, respectively. This provides a different grasping or holding action which is believed to have less wear and tear on the spring fingers in use on a repeated basis.

Furthermore, the configuration of the spring fingers lends itself to easy and facile manufacture in conjunction with the rectangular basket and the U-shaped holder which can be made as a one-piece integral plastic and unitary structure (see Claims 19-20). In contrast thereto, Boman specifically indicates that the tabs must be made separately and cannot be integrally molded with the other parts (see Col. 4, lines 60-63).

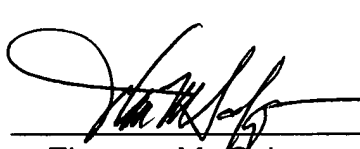
Similarly, while Pratt and Smith, et al. shows other types of spring clips, they do not suggest the V-shaped profile instantly claimed. Moreover, it is noteworthy that Smith, et al. relates to a puck for a sample tube which is clearly non-analogous art.

Finally, Applicant hereby requests a three-month extension of time in which to respond to the outstanding Office Action. A check in the amount of \$445.00 is enclosed herewith for the official fee associated therewith. In the event of any deficiency for the required amount for an extension of time, please debit Deposit Account No. 07-0130.

Accordingly, it is respectfully submitted that the claims as now amended are patentably distinguishable over the cited references. In view of the foregoing, reconsideration and withdrawal of the rejection and allowance of the claims at an early date is earnestly solicited.

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Respectfully submitted,

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Enclosures: Check for \$445.00
New Abstract and marked-up copy of Abstract
marked-up copy of page 10

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ABSTRACT OF THE DISCLOSURE

A beverage container holder for holding round or rectangular containers is disclosed. According to one embodiment, the holder is a unitary plastic structure which includes a lower rectangular container holding portion and an upper hook portion for hanging the holder onto another structure. The holding portion includes a plurality of resilient inwardly extending fingers, each of which assumes a generally V-shaped configuration when viewed in a vertical plane. According to a second embodiment, the holder includes an upper tray portion having a pair of side-by-side square openings, each having a plurality of inward extending resilient fingers, and a generally U-shaped supporting member which is pivotally attached to the tray portion. The supporting member is rotatable from a first position wherein it is retained within the tray portion to a second position wherein it is substantially perpendicular to the tray portion. When the supporting member is in the first position, the holder may be retracted into a rectangular pocket. When the holder is withdrawn from the pocket, the supporting member may be rotated to the second position so that beverage containers placed into the square openings of the tray portion are supported from beneath. The supporting member is preferably spring loaded ^{so} [to] that it automatically rotates to the second position when the holder is withdrawn from the pocket.

the openings 104, 106. When the supporting member 108 is in the first position, the holder 100 may be retracted into a rectangular pocket (not shown). When the holder 100 is withdrawn from the pocket, the supporting member 108 may be rotated to the second position so that beverage containers placed into the square openings 104, 106 of the tray portion are supported from beneath by the supporting member 108. The supporting member 108 is preferably spring loaded, e.g. by spring 110⁵⁰ [to] that it automatically rotates to the second position when the holder is withdrawn from the pocket. As with the first embodiment, this embodiment includes a plurality of resilient inwardly extending fingers 112, 114, 116, 118, 120, 122, 124, 126, each of which assumes a generally V-shaped configuration when viewed in a vertical plane. The fingers are arranged inside the square openings 104, 106 and extend approximately one half inch inward. According to a presently preferred second embodiment, the tray portion is approximately 6.5 x 6.5 x 0.875 inches and has front and rear flanges 130, 132 which depend downward approximately 1.5 inches. The purpose of the flanges is to limit movement of the holder 100 into and out of the pocket (not shown). The square openings 104, 106 are each 2.875 inches square and are spaced approximately 0.5 inches apart. The rotating support member 108 depends approximately 3 inches from the